

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

CRAIG BJORK,

Plaintiff,

v.

COLETTE PETERS, et al.

Defendants.

Civ. No. 6:19-cv-00981-CL

ORDER

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AIKEN, District Judge:

This matter comes before the Court on Plaintiff's objections to non-dispositive discovery orders issued by Judge Clarke on October 14, 2022, and on February 23, 2023. ECF Nos. 119 and 144.

In accordance with Federal Rule of Civil Procedure 72(a), "[w]hen a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judgment must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision." Fed. R. Civ. P. 72(a). The standard for review for a non-dispositive order with objections is "clearly erroneous" or "contrary to law." *Id.*; 28 U.S.C. § 636(b)(1)(A) (applying the "clearly erroneous or contrary to law" standard of review for non-dispositive motions). If a ruling on a motion is not determinative of a party's claim or defense, it is not

dispositive and, therefore, is not subject to *de novo* review as are proposed findings and recommendations for dispositive motions under 28 U.S.C. § 636(b)(1)(B).

Here, Plaintiff sought the issuance of subpoenas. *See* ECF Nos. 113, 114. Judge Clarke determined that Plaintiff had not demonstrated what documents or other tangible things Plaintiff sought, from whom, and why he could not obtain those documents or tangible things in a request for production directed to Defendants pursuant to Fed. R. Civ. P. 34. *See* Order entered at ECF No. 119. The Court has considered the objections raised by Plaintiff, ECF No. 121 concludes that they do not provide a basis to modify Judge Clarke's Orders. Plaintiff sought a hearing and/or a stay of proceedings to again address the third-party subpoena issue. ECF No. 142. Judge Clarke determined that a hearing and/or a stay of all proceedings would not, at this juncture, "secure the just, speedy, and inexpensive determination" of this action. Fed. R. Civ. P. 1. *See* Order at ECF No. 144. The Court has considered the objections raised by Plaintiff, ECF No. 145, and Defendants' response, ECF No. 149, and concludes that Plaintiff's objections do not provide a basis to modify Judge Clarke's Orders.

Accordingly, Judge Clarke's Orders DENYING Plaintiff's objections, ECF No. 121 and 145, are AFFIRMED.

It is so ORDERED this 11th day of July, 2023.

/s/Ann Aiken

Ann Aiken

United States District Judge